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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,754	12/21/2000	Randall G. Smith	POLY 8	1016

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EXAMINER	
BHAT, ADITYA S	
ART UNIT	**PAPER NUMBER**
2863	

DATE MAILED: 02/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/746,754	SMITH ET AL.	
	Examin r	Art Unit	
	Aditya S Bhat	2863	

-- The MAILING DATE of this communication appears on th cover she t with the correspond nc address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 November 2003*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,9,10 and 17-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,9,10 and 17-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on *21 December 2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims1-4, 9-10, and 17-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Martin (USPN 6,337,681).

With regards to claim 1, Martin (USPN 6,337,681) teaches method of calibrating positions between a location sensing electronic device and an electronic device in communication with a display device, comprising the steps of:
detecting a touch on the surface of the location sensing device; (Col.1, lines 44-50)
initiating the calibration of positions between the location sensing device and the electronic device upon the detection of the touch on the surface of the location sensing device (Col. 5 & 6 lines 63-67 &1-12)
calculating a relationship between the location of the touch on the surface of the location sensing device and a position on the display device; (Col. 5 & 6 lines 30-67 &1-12)

With regards to claim 2, Martin (USPN 6,337,681) teaches the step of detecting a touch comprises detecting actuation of a physical button located on the surface of the location sensing device. (Col. 11, lines 62-65)

With regards to claim 3, Martin (USPN 6,337,681) teaches the step of detecting a touch at a predefined calibration point comprises detecting selection of an actual button on an exterior frame of the location sensing electronic device.
With regards to claim 4, Martin (USPN 6,337,681) teaches the step of detecting a touch at a predefined calibration point comprises detecting selection of a projected button on the surface of the location sensing electronic device. (Col. 5 & 6, lines 63-67 & 1-5)

With regards to claim 9, Martin (USPN 6,337,681) teaches a system for calibrating positions between the surface of a location sensing electronic device and a display device of an electronic device, comprising:

a location sensing electronic device including a location-sensing surface; (Col. 1, lines 45-55)

an electronic device including a display device, the electronic device in communication with a projection device and the location sensing electronic device; (See figure 1)

the projection device including means for projecting an image on the location sensing electronic device; and (Col. 1, lines 45-65)

a calibration initiation means distant the electronic device; (See figure 12)

wherein upon activation of the calibration initiation means, positions between the surface of the location sensing electronic device and the display of the electronic device are calibrated. (See figure 12)

With regards to claim 10, Martin (USPN 6,337,681) teaches the calibration initiation means is a projected button on the surface of the location sensing electronic device. (Col. 5 & 6, lines 63-67 & 1-5)

With regards to claim 17, Martin (USPN 6,337,681) teaches a method of calibration including the steps of
(i) providing a location sensing device, (Col. 1, lines 44-50)
(ii) providing an electronic device, (See figure 1)
(iii) initiating the calibration, (1000; See figure 12) and
(iv) performing the calibration of positions between the location sensing device and the electronic device, an improvement wherein the step (iii) of initiating the calibration comprises initiating the calibration at a location distant the electronic device. (See figure 12)

With regards to claim 18, Martin (USPN 6,337,681) teaches the location sensing device is a whiteboard, (Col.1, line 46) and wherein the electronic device is a computer (See figure 1).

With regards to claim 19, Martin (USPN 6,337,681) teaches the step of projecting an image onto the location-sensing device. (See figure 1)

With regards to claim 20, Martin (USPN 6,337,681) teaches the step of initiating the calibration at a location distant the electronic device comprises initiating the calibration with an actuation of the location-sensing device. (See figure 12)

With regards to claim 21, Martin (USPN 6,337,681) teaches the actuation of the location-sensing device is by stylus actuation.

With regards to claim 22, Martin (USPN 6,337,681) teaches the actuation of the location-sensing device is by stylus actuation of an image of a button. (Col.1, lines 48-50)

With regards to claim 23, Martin (USPN 6,337,681) teaches the actuation of the location-sensing device is by an electronically-detected stylus over an image of a button. (Col.1, lines 48-50)

With regards to claim 24, Martin (USPN 6,337,681) teaches the actuation of the location-sensing device is by a touch. (Col.1, line 45)

With regards to claim 25, Martin (USPN 6,337,681) teaches the step of initiating the calibration at a location distant the electronic device comprises initiating the calibration with the actuation of a button on a surface of the location-sensing device. (Col. 5 & 6, lines 63-67 & 1-5)

With regards to claim 26, Martin (USPN 6,337,681) teaches the step of initiating the calibration at a location distant the electronic device comprises initiating the calibration with the actuation of a button on a frame of the location-sensing device. (Col. 5 & 6, lines 63-67 & 1-5)

With regards to claim 27, Martin (USPN 6,337,681) teaches the step of initiating the calibration at a location distant the electronic device comprises initiating the calibration with a voice command. (Col.1& 2, lines 65-67 &1-5)

With regards to claim 28, Martin (USPN 6,337,681) teaches a system for calibrating positions between the surface of a white board and a display device of a computer comprising:

A whiteboard including a location sensing surface (Col.1, lines 44-45)

A computer including a display device; and (Col. 1,lines 65-67)

A calibration initiation means distant the computer (Col.5, lines 46-58) (1;figure 1)

Wherein upon activation of the calibration initiation means, positions between the surface of the whiteboard and a display of the computer are calibrated (Col.5, lines 30-45)

With regards to claim 29, Martin (USPN 6,337,681) teaches a projector in communication with the computer for projecting an image onto the whiteboard; (See figure 1) and

Wherein the calibration initiation means includes a projection icon located on the whiteboard (figure 15 a-d)

With regards to claim 30, Martin (USPN 6,337,681) teaches the activation of the calibration initiation means is by stylus actuation of the projection icon. (Col.5, lines 35-36)

With regards to claim 31, Martin (USPN 6,337,681) teaches a method of calibrating positions between a resistive membrane whiteboard and a computing device coupled to a display device, comprising the steps of:

detecting a touch on the surface of the resistive membrane whiteboard at a predetermined location; (Col. 1, lines 44-64)

initiating a calibration sequence in response to said touch at said predetermined location, wherein said calibration sequence comprises: projecting an image onto the resistive membrane surface of the location sensing electronic device; (See figure 12)

detecting a touch at a point on the surface of the resistive membrane whiteboard corresponding to said projected image; (Col. 1, lines 44-64) and

calculating a relationship between the touched point on the surface of the resistive membrane whiteboard corresponding to said projected image and a position on the display device. (Col. 1, lines 44-64)

With regards to claim 32, Martin (USPN 6,337,681) teaches a resistive membrane whiteboard system comprising:

a resistive membrane whiteboard; (Col. 1, line 46)
a processing device operatively connected to a display device, the processing device in communication with the resistive membrane whiteboard and a projection device for projecting an image on the location sensing electronic device; (See figure 1)
wherein the resistive membrane whiteboard system is adapted to initiate a calibration protocol in response to a touch on. a surface of said resistive membrane whiteboard. (See figure 12)

Response to Arguments

During patent examination, the pending claims must be "given the broadest reasonable interpretation consistent with the specification." Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

While the meaning of claims of issued patents are interpreted in light of the specification, prosecution history, prior art and other claims, this is not the mode of claim interpretation to be applied during examination. During examination, the claims must be interpreted as broadly as their terms reasonably allowed. This means that the words of the claim must be given their plain meaning unless applicant has provided a clear definition in the specification. In re Zletz, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989).

In this instance applicant argues that all the claims specifically recite that the calibration is initiated distant from the computer. However, independent claim 1 does not recite this limitation, furthermore Martin (USPN 6,141,000) teaches that the calibration initialization is entered on the touch sensitive screen (1) (Col.5, lines30-36).

Refering back to figure 1 it is clear that the touch sensitive screen (1) is distant from the computer.

It should also be noted that although the Geagan et al. (USPN 5,790,114) reference does not teach the push button limitation and does not qualify as prior art under U.S.C 103 (a). It does however qualify as prior art under U.S.C 102 (b). This reference is believed to read on all the independent claims and could be used as prior art to reject those claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Elrod et al (USPN 5,495,269) teaches a large area electronic writing system, Tosya (USPN 6323893) teaches a portable conference center, Bates et al. (USPN 5,565,894)teaches a dynamic touch screen button adjustment mechanism , Roberts (USPN 5,376,948) teaches a method and apparatus for touch input computer and related display employing touch force location external to the display, Findlay (EPPA 0 664 505 A2) teaches a touch sensitive display apparatus and Vogeley et al. (USPN 5,422,693) teaches a method and apparatus for interacting with a computer generated projected image.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aditya S Bhat whose telephone number is 703-308-0332. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 703-308-3126.The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-5841 for regular communications and 703-308-5841 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Aditya S. Bhat
January 30, 2004

John Barlow
Supervisory Patent Examiner
Technology Center 2800